

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ORDER

In accordance with the memorandum filed herein this date,

IT IS HEREBY ORDERED that defendant's motion to dismiss (#3) be and is **GRANTED**. This cause of action is hereby **DISMISSED WITH PREJUDICE** in its entirety.

Dated this 28th day of March, 2005.

Stephen T. Linbaugh
SENIOR UNITED STATES DISTRICT JUDGE